

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GERARD J. KEATING, JANET A.)
KEATING, FRANK R. KREJCI, JANE)
KREJCI, TIMOTHY PETERSON, LINDA)
PETERSON, DARYL BUTTERFIELD and)
MAKALA BUTTERFIELD, individually)
and on behalf of all persons)
similarly situated,)

Plaintiffs,)

vs.)

7:07CV5011

NEBRASKA PUBLIC POWER DISTRICT,)
NEBRASKA DEPARTMENT OF NATURAL)
RESOURCES, DENNIS L. RASMUSSEN,)
MARY A. HARDING, RONALD W.)
LARSEN, LARRY E. LINSTROM,)
DARRELL J. NELSON, EDWARD J.)
SCHROCK, KEN L. SCHMIEDING, GARY)
G. THOMPSON LARRY G. KUNCL,)
VIRGIL L. FROEHLICH, WAYNE E.)
BOYD and ANN SALOMAN BLEED, in)
their official capacities, and)
DOES 1-100,)

Defendants.)

SCHEDULING ORDER

After a telephone conference with counsel (see Filing No. 51), and upon consultation with Senior Judge Strom,

IT IS ORDERED:

1. All responses to the Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) filed by Nebraska Public Power District, et al. (Filing No. 26) shall be filed no later than the close of business on **Monday, June 18, 2007**.

2. All responses to the Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) filed by the Nebraska Department of Natural Resources and Ann S. Bleed (Filing No. 28) shall be filed no later than the close of business on **Monday, June 18, 2007**.

3. The defendants' Rule 12 Motions (Filings Nos. 26 & 28) will be deemed ripe for decision at the close of business on Monday, June 18, 2007.

4. Plaintiffs' Motion for Expedited Briefing Schedule and for Evidentiary Hearing (Filing No. 43) is granted, in part. If the defendants' Rule 12 motions are denied, Judge Strom will set an expedited hearing on the plaintiffs' Motion for Preliminary Injunction (Filing No. 33).

DATED June 12, 2007.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge